

Attorney Docket No. 5649-1135

*TFW*  
*DAC*  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Beom-jun Jin  
Serial No.: 10/689,981  
Filed: October 20, 2003  
For: INTEGRATED CIRCUIT DEVICES INCLUDING LOW DIELECTRIC SIDE  
WALL SPACERS AND METHODS OF FORMING SAME

Group Art Unit: 2815  
Examiner: To Be Assigned  
Confirmation No.: 8976

Date: September 29, 2004

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of October 20, 2003 rather than October 21, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of October 20, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2 (**Appendix A**);
2. A true and accurate copy of the Express Mail Receipt showing acceptance by the U.S. Postal Service on October 20, 2003, at 5:43pm, along with a copy of a communication from United States Postal Service indicating receipt of the Express Mail package by the U.S. Patent and Trademark Office at 9:53am on October 21, 2003 (**Appendix A**); and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of October 21, 2003 instead of the Express Mail date of October 20, 2003 (**Appendix A**).

A similar petition was filed on June 23, 2004 and received by the U.S. Patent and Trademark Office on June 25, 2004 (**Appendix B**). Applicant's attorney received a Response

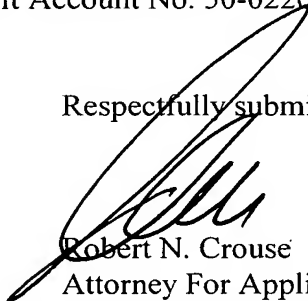
In re: Beom-jun Jin  
Serial No. 10/689,981  
Filed October 20, 2003  
Page 2

from the PTO indicating that if there was a discrepancy with the filing date, a copy of the Express Mail Label should be provided along with a Petition (**Appendix C**).

Accordingly, Applicant is resubmitting documentation in support that October 20, 2003 is the proper filing date and respectfully requests the granting of October 20, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

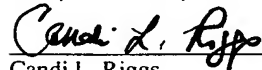


Robert N. Crouse  
Attorney For Applicant  
Registration No. 44,635

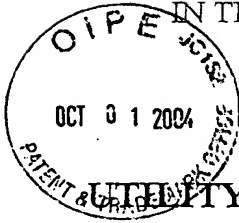
**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 29, 2004.



Candi L. Riggs



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5649-1135

DATE: October 20, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
☐ and claims the benefit of Provisional Application No. \_\_\_\_\_; filed \_\_\_\_\_.

Inventor(s) or Application Identifier:

**Beom-jun Jin** – Seoul, Republic of Korea

Entitled: **INTEGRATED CIRCUIT DEVICES INCLUDING LOW DIELECTRIC SIDE WALL SPACERS AND METHODS OF FORMING SAME**

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 18 pages of Specification (including 27 claims)
3. ☒ 6 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
  - a. ☒ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
  - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

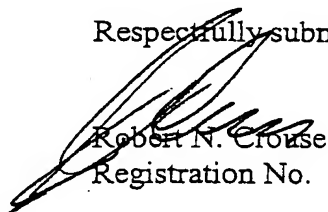
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☒ Information Disclosure Statement, PTO-1449, and 3 references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☒ Certified Copy of Korean Application No. 10-2002-0073053; Filed: November 22, 2002
14. ☐ Sequence Listing/ Sequence Listing Diskette
  - a. ☐ computer readable copy
  - b. ☐ paper copy
  - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate      Fee	Large Entity Rate      Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	27 - 20 =	7	x 09 = \$	x 18 = \$126
INDEP CLAIMS	6 - 3 =	3	x 43 = \$	x 86 = \$258
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1154

- ☐ A check in the amount of \$      to cover the filing fee is enclosed.
- ☒ A check in the amount of \$1154.00 is enclosed to cover the filing fee and a check in the amount of \$40.00 is enclosed to cover the Assignment Recordation fee.
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
  - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

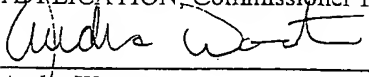
  
Robert N. Crouse  
Registration No. 44,635

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No.: EV 318417872 US

Date of Deposit: October 20, 2003

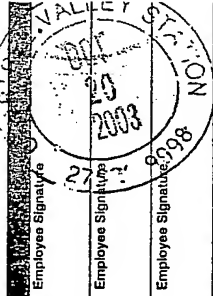
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Audra Wooten



UNITED STATES POSTAL SERVICE®

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Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

**ORIGIN (POSTAL USE ONLY)**

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Date in	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 1 PM	Postage
Mo. Day Year	<input type="checkbox"/> Military	\$ 13.65
Time in	<input type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Mo. Day Year		
Weight	Int'l Alpha Country Code	COD Fee
14.73		
lbs. ozs.	Acceptance Clerks/Initials	Total Postage & Fees
	CB	\$ 13.65

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☐ No Delivery ☐ Weekend ☐ Holiday

☐ Signature Required ☐ Signature Not Required

☐ Signature of addressee's agent (i.e., delivery employee) is required. If signature of addressee's agent is not provided, addressee's signature is required. If signature of addressee's agent is not provided, addressee's signature is required. If signature of addressee's agent is not provided, addressee's signature is required.

**NO DELIVERY** ☐ **Signature** ☐ **Customer Signature** \_\_\_\_\_

**FROM: (PLEASE PRINT)** **PHONE** 919 554 1400

MYERS, MICHEL SIBLEY & SAUNDERS  
PO BOX 37428  
RALEIGH NC 27627-7428

5649-1135 RNC/abw

**TO: (PLEASE PRINT)** **PHONE**

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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UNITED STATES  
POSTAL SERVICE

Date: 09/08/2004

CANDI RIGGS:

The following is in response to your 09/08/2004 request for delivery information on your Express Mail item number EV31 8417 872U S. The delivery record shows that this item was delivered on 10/21/2003 at 09:53 AM in ALEXANDRIA, VA 22313 to J SSECKEL. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section  
*James Steckel*  
*James Steckel*  
P & T OFFICE

Address of Recipient:

P. O. BOX 1450  
Alexandria, VA 22312

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

BNC/662

Date: 10-20-03

Doc. No. 5649-1135

Serial No. TBA

Inventor: Jin

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:

✓ Application Transmittal and:

✓ Check \$ 1154

✓ Specification pages 18

✓ IDS & PTO-1449 & 3 refs. cited

✓ No. of Claims 27

Amendment & Amend. Transmittal

✓ Declaration & POA

Preliminary Amendment

✓ Assignment and Fee - \$40

Issue Fee

Small Entity Statement

Brief

✓ Formal Drawings/ 6 sheets

Appeal

Associate Power of Attorney

Submittal of Priority Doc.

✓ Exp. Mail 1st Class Mail

Other: 2 Korean Abstracts w/ Korean ~~Transmittal~~ Application

16834 U.S. PTO

10/689981



102103

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

RNC

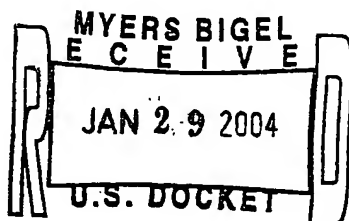


## UNITED STATES PATENT AND TRADEMARK OFFICE

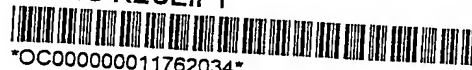
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/689,981	10/21/2003	2815	1154	5649-1135	6	27	6

20792  
MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH, NC 27627



CONFIRMATION NO. 8976  
FILING RECEIPT



\*OC000000011762034\*

Date Mailed: 01/26/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Beom-jun Jin, Seoul, KOREA, REPUBLIC OF;

Domestic Priority data as claimed by applicant

## Foreign Applications

REPUBLIC OF KOREA 02-73053 11/22/2002

If Required, Foreign Filing License Granted: 01/24/2004

Projected Publication Date: 05/27/2004

Non-Publication Request: No

Early Publication Request: No

## Title

Integrated circuit devices including low dielectric side wall spacers and methods of forming same

Preliminary Class

257

01-29-04 AUG 11 1M



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RAC/aw

Date: 6-23-04  
Doc. No. 5649-1135  
Serial No. 10/689,981  
Inventor: Tin

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:

<input type="checkbox"/> Application Transmittal and:	<input type="checkbox"/> Check \$
<input type="checkbox"/> Specification pages	<input type="checkbox"/> IDS & PTO-1449 & refs.
<input type="checkbox"/> No. of Claims	<input type="checkbox"/> Amendment & Amend. Transmittal
<input type="checkbox"/> Declaration & POA	<input type="checkbox"/> Preliminary Amendment
<input type="checkbox"/> Assignment and Fee	<input type="checkbox"/> Issue Fee
<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Brief
<input type="checkbox"/> Formal Drawings/ sheets	<input type="checkbox"/> Appeal
<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Submittal of Priority Doc.
<input type="checkbox"/> Exp. Mail	<input checked="" type="checkbox"/> 1st Class Mail

Other: Petition to Accord Proper Filing  
Date

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RAC/aw

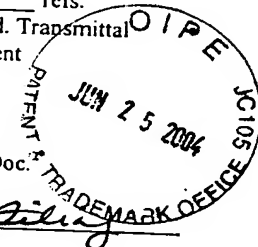
Date: 6-23-04  
Doc. No. 5649-1135  
Serial No. 10/689,981  
Inventor: Tin

Sir: Kindly acknowledge receipt of the accompanying items listed below  
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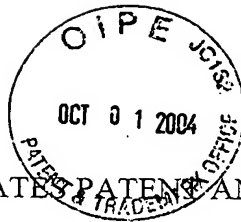
<input type="checkbox"/> Application Transmittal and:	<input type="checkbox"/> Check \$
<input type="checkbox"/> Specification pages	<input type="checkbox"/> IDS & PTO-1449 & refs.
<input type="checkbox"/> No. of Claims	<input type="checkbox"/> Amendment & Amend. Transmittal
<input type="checkbox"/> Declaration & POA	<input type="checkbox"/> Preliminary Amendment
<input type="checkbox"/> Assignment and Fee	<input type="checkbox"/> Issue Fee
<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Brief
<input type="checkbox"/> Formal Drawings/ sheets	<input type="checkbox"/> Appeal
<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Submittal of Priority Doc.
<input type="checkbox"/> Exp. Mail	<input checked="" type="checkbox"/> 1st Class Mail

Other: Petition to Accord Proper Filing  
Date

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant



Attorney Docket No. 5649-1135



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Beom-jun Jin

Confirmation No.: 8976

Application No.: 10/689,981

Filed: October 20, 2003

For: INTEGRATED CIRCUIT DEVICES INCLUDING LOW DIELECTRIC SIDE  
WALL SPACERS AND METHODS OF FORMING SAME

Date: June 23, 2004

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of October 20, 2003 rather than October 21, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of October 20, 2003 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

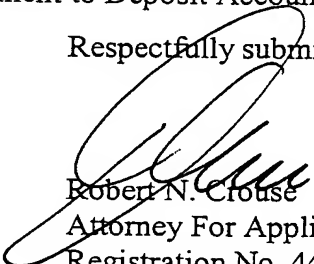
1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date with the USPS 12:00 p.m. on October 20, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of October 21, 2003 instead of the Express Mail date of October 20, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of October 20, 2003 as the filing date pursuant to 37 CFR § 1.10.

In re: Beom-jun Jin  
Application No.: 10/689,981  
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

  
Robert N. Crouse  
Attorney For Applicant  
Registration No. 44,635

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 23, 2004.

  
Evelyn B. Casey

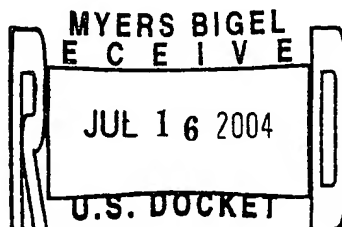


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/689,981	10/21/2003	Beom-jun Jin	5649-1135

20792  
 MYERS BIGEL SIBLEY & SAJOVEC  
 PO BOX 37428  
 RALEIGH, NC 27627



CONFIRMATION NO. 8976



\*OC000000013218488\*

Date Mailed: 07/13/2004

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

### Application Filing Date

In response to your request for a corrected Filing Receipt, the Office cannot comply with your request because:

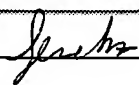
- ☒ If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a petition to accord a filing date should be submitted along with a copy of the Express Mail label showing the "date in" and be directed to the Office of Petitions.
- ☐ A copy of the Express Mail label was not enclosed with your request. Petitions under 37 CFR 1.10 require a copy of the Express Mail Label to be submitted.
- ☐ The "date in" on the Express Mail label is the date given on the Filing Receipt.
- ☐ The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).
- ☐ Applications submitted with a certificate of mailing under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office. A request to review the filing date accorded to the application must be in the form of a petition.
- ☐ The filing date on your return postcard is the same as the date on your Filing Receipt. A request to review the filing date accorded to the application must be in the form of a petition.

A petition under 37 CFR 1.10, 37 CFR 1.53 or 37 CFR 1.182 is needed to request a change to the filing date. A \$130 petition fee is required for a petition under 1.53 or 1.182. If you choose to file a petition, the petition and the \$130 petition fee, if any, to:

Box DAC

Commissioner for Patents  
Washington, DC 20231

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PART 1 - ATTORNEY/APPLICANT COPY